IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 258 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SCAN AGRO LTD.

Versus

GITABEN PRAVINCHANDRA PARADVA

Appearance:

1. Appeal from Order No. 258 of 1998

MR MANISH R BHATT for Petitioner No. 1

MR HARIN P RAVAL for Respondent No. 1

..... for Respondent No. 2

M/S THAKKAR ASSOC. for Respondents No. 2/1,2/5

NOTICE SERVED BY DS for Respondents No. 2/2

MR DC DAVE for Respondents No. 2/3-2/4

MR ARVIND S RAVAL for Respondents No. 2/7-2/7,2/8

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 06/11/2001

ORAL JUDGEMENT

Against the impugned order dated 24.4.1998 passed by the learned Joint Civil Judge (S.D.), Gondal below Ex.18 in Special Civil Suit No.40/97, challenging the part of the impugned order, the respondent-original plaintiff filed Appeal from Order No.338/98. Whereas, the present appellant-defendant No.9 has filed the present appeal against the part of the impugned order by which he is aggrieved. The appeal from order No.338/98 filed by respondent-original plaintiff No.1 was already disposed of way back in 1998, therefore, only this appeal from order is required to be decided.

Along with this appeal, Civil Application No.5785/98 came to be filed for interim relief, wherein this court granted interim relief in favour of the present appellant-defendant No.9. The same is in force till today.

Having regard to the peculiar facts and circumstances of the case, I am of the considered opinion that this appeal can be disposed of without going into the merits or legality and validity of the impugned order passed by the trial court with a direction to the learned Trial Judge to dispose of main Special Civil Suit at the earliest.

Accordingly, this appeal is disposed of with a direction to the learned Trial Judge to dispose of the main Special Civil Suit No.40/97 as early as possible and not later than 31.10.2002. The parties shall fully cooperate with the final disposal of the suit before the trial court and they shall not ask for unnecessary adjournments. Till then, the interim relief passed by this court in these proceedings shall continue. Civil Application is disposed of as the main Appeal from Order is disposed of.

(B.J.Shethna, J.)

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